

United States Bankruptcy Court
Southern District of Georgia

In re **Patrick Cecil Powell**
Dian Metresa Powell

Debtor(s)

Case No. **17-60077**
Chapter **13**

THIRD AMENDED CHAPTER 13 PLAN AND MOTION

[General Order 2005-3 Approved Form]

1. Debtor(s) shall pay to the Trustee the sum of \$ **1,202.00** for the applicable commitment period of:

☒ 60 months: **or**

(If applicable include the following): These plan payments

☐ a minimum of 36 months. § 1325(b)(4).

change to \$ ____ in month ____.

2. From the payments so received, the Trustee shall make disbursements as follows:

(a) The Trustee percentage fee as set by the United States Trustee.

(b) Attorney fees allowed pursuant to § 507(a)(2) of \$ **3,000.00** to be paid in accordance with applicable General Orders of this Court.

(c) Other § 507 claims, unless provided for otherwise in the plan will be paid in full over the life of the plan as funds become available in the order specified by law.

(d) ☐ Monthly payments according to the contract on the following long-term debts. § 1322(b)(5). (Payments which become due after the filing of the petition but before the month of the first payment designated here will be added to the pre-petition arrearage claim):

CREDITOR

MONTH OF FIRST TRUSTEE
PAYMENT

INITIAL MONTHLY
PAYMENT

-NONE-

IN THE ALTERNATIVE:

☒ Debtor will make post-petition payments direct to creditor according to the contract on the following long-term debts:

CREDITOR

INITIAL MONTHLY PAYMENT

FIDELITY BROKERAGE SERVICES LLC

\$103.63

Nationstar Mortgage LLC

\$843.00

(e) Fully Secured Allowed Claims and Executory Contracts as set forth below:

CREDITOR

COLLATERAL

ESTIMATED
CLAIM

INTEREST RATE

MONTHLY
PAYMENT

GM Financial

**2015 CHEVROLET
COLORADO
15,000 miles
CREW CAB Z71
4WD**

\$42,678.69

4.00%

\$816.81

(f) Undersecured Allowed Claims. Debtor moves to value the collateral partially securing the following claims pursuant to §506 and provide payment in satisfaction of those claims as set forth below:

CREDITOR

COLLATERAL

VALUATION

INTEREST
RATE

MONTHLY
PAYMENT

<u>CREDITOR</u>	<u>COLLATERAL</u>	<u>VALUATION</u>	<u>INTEREST RATE</u>	<u>MONTHLY PAYMENT</u>
Badcock	BEDROOM SUITE, ENTERTAINMENT CENTER & DINNING ROOM SUITE - CHARGED OFF	\$150.00	4.00%	\$2.87
Badcock	CHILD'S BEDROOM SUITE AND LIVING ROOM SUITE (NO LONGER HAS), WASHER (BROKEN) & DRYER	\$200.00	4.00%	\$3.83
Dees Used Cars	2008 FORD F-150 PICKUP TRUCK 130,00 miles	\$7,875.00	4.00%	\$150.72
Farmers Furniture	2 BED FRAMES AND 2 MATTRESS SETS, UPRIGHT FREEZER, MICRO GEL PILLOW	\$1,000.00	4.00%	\$19.14

(g) Cure payments on allowed prepetition arrearage claims set forth below. § 1322(b)(5):

<u>CREDITOR</u>	<u>ESTIMATED PREPETITION CLAIM</u>
Nationstar Mortgage LLC	\$4,024.62

(h) The following unsecured allowed claims are classified to be paid at 100% ☐ with interest at ____ %; ☒ without interest.

CREDITOR
-NONE-

- (i) Allowed general unsecured claims, including the unsecured portion of any bifurcated claims provided for in ¶2(f) or 6, will be paid a 1 % dividend or a prorata share of \$ 274.75, whichever is greater.

3. Debtor will make § 1326(a)(1) pre-confirmation lease and adequate protection payments on allowed claims of the following creditors: ☒ Direct to the Creditor; or ☐ To the Trustee

<u>CREDITOR</u>	<u>ADEQUATE PROTECTION OR LEASE PAYMENT AMOUNT</u>
-NONE-	

4. Debtor will pay all post-petition domestic support obligations direct to the holder of such claim identified here. § 101(14A). Debtor requests Trustee to provide the statutory notice of § 1302(d) to these claimants.

<u>CREDITOR</u>	<u>ADDRESS</u>
-NONE-	

5. Pursuant to 11 U.S.C. §522(f), debtor moves to avoid the liens of the following creditors, upon confirmation but subject to § 349, with respect to the property described below:

<u>CREDITOR</u>	<u>PROPERTY JUDGMENT</u>
Merchants & Medical Adjust. Bur. Inc.	

CREDITOR
Swainsboro Financial Services

Famous Credit Corp.

PROPERTY
RIDING LAWN MOWER (NOT RUNNING), 2ND
LIEN ON DELL LAPTOP COMPUTER (100.),
2ND LIEN ON DELL DESKTOP COMPUTER
(BROKEN, DON'T HAVE)
TILLER - NOT WORKING (50.), 36 IN SANYO
TV (75.), DESKTOP COMPUTER (BROKEN,
DON'T HAVE), DVD PLAYER (25.), DELL
LAPTOP COMPUTER (100.), MICROWAVE
OVEN (25.)

6. The following collateral is surrendered to the creditor to satisfy the secured claim to the extent shown below:

<u>CREDITOR</u>	<u>DESCRIPTION OF COLLATERAL</u>	<u>AMOUNT OF CLAIM SATISFIED</u>
FAMOUS CREDIT COPR.	DELHI JON BOAT, JOHNSON OUTBOARD MOTOR, MOTOR GUIDE FOOT CONTROL TROLLING MOTOR, AND BOAT TRAILER	FULL
First Credit Corporation	RAINBOW VACUUM CLEANER	FULL
VILLA RIVER PROPERTIES	SPRINGLAKE ROAD Twin City, GA 30471 Emanuel County 10.2 ACRES ADJACENT TO DEBTOR'S RESIDENCE	FULL
SWAINSBORO FINANCIAL SERVICES	JON BOAT AND TRAILER (2ND LIEN)	FULL

7. Holders of allowed secured claims shall retain the liens securing said claims to the full extent provided by § 1325(a)(5).
8. Other provisions: **DEBT TO ONEMAIN IN THE AMOUNT OF \$1,512.00 WILL BE PAID OUTSIDE OF PLAN BY DEBTORS' DAUGHTER.**
9. The amount, and secured or unsecured status, of claims disclosed in this Plan are based upon debtor's best estimate and belief. An allowed proof of claim will supersede those estimated claims. Objections to claims may be filed before or after confirmation. Debtor will increase payments in the amount necessary to fund allowed claims as this Plan proposes, after notice from the Trustee and a hearing if necessary, unless a Plan Modification is approved.

Date August 7, 2017

Signature /s/ Patrick Cecil Powell
Patrick Cecil Powell
Debtor

Date August 7, 2017

Signature /s/ Dian Metresa Powell
Dian Metresa Powell
Joint Debtor

Revised 10/2005